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10/812,907	03/31/2004	Gary J. Griffin	21313	5708

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EXAMINER

FERGUSON, MICHAEL P

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/812,907

Applicant(s)

GRIFFIN, GARY J.

Examiner

Michael P. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) 40-53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 and 54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/31/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of species 1, Figures 1-10, claims 1-39 and 54 in the reply filed on November 21, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 40-53 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on November 21, 2005.

Claim Objections

3. Claims 1,2,4,9,12,14 and 25-27 are objected to because of the following informalities:

Claim 1 (line 10) recites "on said inner... in said bolt". It should recite --one said inner... on said bolt--.

Claim 2 (line 2) recites "said portion". It should recite --said functional portion--.

Claim 2 (line 3) recites "said portion". It should recite --said functional portion--.

Claim 4 (line 2) recites "said portion". It should recite --said functional portion--.

Claim 9 (line 2) recites "molded thereon". It should recite --molded therein--.

Claim 12 (line 2) recites "said portion". It should recite --said functional portion--.

Claim 12 (line 3) recites "said portion". It should recite --said functional portion--.

Claim 14 (line 2) recites "said portion". It should recite --said functional portion--.

Claim 25 (line 1) recites "to claim 19". It should recite --to claim 20--.

Claim 26 (line 1) recites "to claim 19". It should recite --to claim 20--.

Claim 27 (line 1) recites "to claim 19". It should recite --to claim 20--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

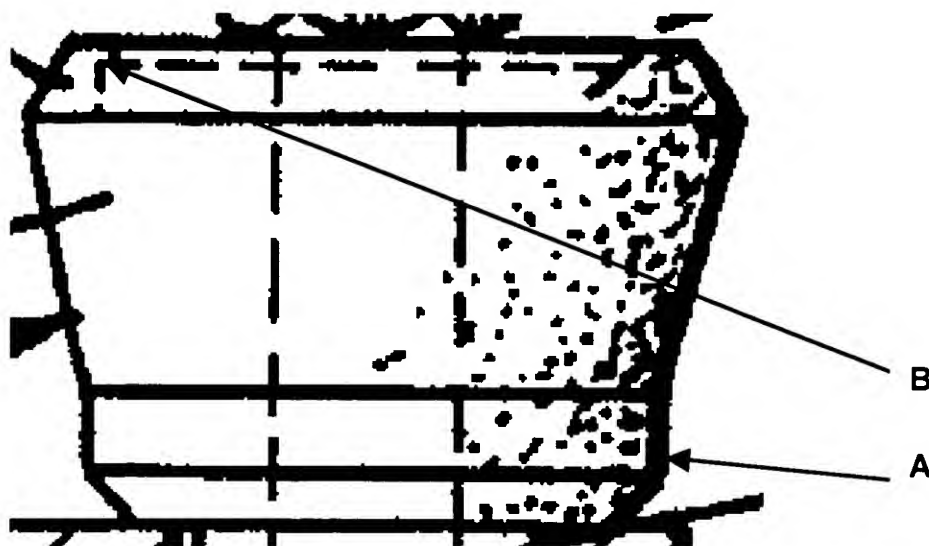
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 28,30-32,34-36,38,39 and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Hardy, Jr. et al. (US 4,944,523).

As to claim 28, Hardy, Jr. et al. disclose a grommet suitable for use in a link for connecting a pair of spaced members **102,108** having a set of aligned holes, together, generally including a bolt **112,122** having a pair of spaced upset portions **126,128**, a pair of inner **138,140** and outer **134,136** grommets disposed at each end of the bolt, engaging therebetween one of the members, and retainer means **120,132** disposed on the ends of the bolt, comprising a body formed of a resilient material having a bore for receiving the bolt therethrough, the wall of the bore having an annular groove allowing the body to be snap-fit onto an upset portion of the bolt when mounted thereon, and a rigid washer insert **A** (Figure 3 reprinted below with annotations) molded in the body

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disposed adjacent the groove and having an opening aligned with the bore (Figures 3-4, column 2 lines 47-49).



As to claim 30, Hardy, Jr. et al. disclose a grommet wherein the body includes a hub portion and the groove is disposed in the hub portion (Figure 3).

As to claim 31, Hardy, Jr. et al. disclose a grommet wherein the body includes a hub portion receivable in a hole in one of the members **102,108** when the link is assembled and connected to the spaced members (Figure 3).

As to claim 32, Hardy, Jr. et al. disclose a grommet suitable for use in a link for connecting a pair of spaced members **102,108** having a set of aligned holes, together, generally including a bolt **112,122** having a pair of spaced, upset portions **126,128** and at least one threaded end, a pair of inner **138,140** and outer **134,136** grommets disposed at each end of the bolt, engaging therebetween one of the members, and means disposed on the ends of the bolt for retaining the pairs of grommets on the bolt capable of including a pair of nuts **120,132** each having an annular flange **132**, threaded on the threaded end of the bolt, comprising a body formed of a resilient material having

a bore for receiving the bolt therethrough, the wall of the bore having an annular groove allowing the body to be snap-fit onto the annular flange portion of one of the nuts, and a rigid washer insert **A** molded in the body disposed adjacent the groove and having an opening aligned with the bore (Figures 3-4, column 2 lines 47-49).

As to claim 34, Hardy, Jr. et al. disclose a grommet wherein the body includes a hub portion and the groove is disposed in the hub portion (Figure 3).

As to claim 35, Hardy, Jr. et al. disclose a grommet wherein the body includes a hub portion receivable in a hole in one of the members **102,108** when the link is assembled and connected to the spaced members (Figure 3).

As to claim 36, Hardy, Jr. et al. disclose a grommet wherein the groove is configured to receive either of one of the upset portions **126,128** or the flange portion **132** of the nut **120,132** whereby the grommet may be snap-fit on either of the upset portions or the flange portion of one of the nut (Figure 3).

As to claim 38, Hardy, Jr. et al. disclose a grommet wherein the body includes a hub portion and the groove is disposed in the hub portion (Figure 3).

As to claim 39, Hardy, Jr. et al. disclose a grommet wherein the body includes a hub portion receivable in a hole in one of the members **102,108** when the link is assembled and connected to the spaced members (Figure 3).

As to claim 54, Hardy, Jr. et al. disclose a link for connecting a pair of spaced members **102,108** together comprising:

a bolt **112,122** having a threaded end insertable through an opening in one of the spaced members, means disposed at an opposite end thereof connectable to the other

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of the spaced members and an upset portion **126,128** disposed adjacent the threaded end thereof;

an inner grommet **138,140** formed of a resilient material, mountable on the bolt and having a portion thereof functional to snap-fit on the upset portion of the bolt when the inner grommet is mounted on the bolt;

an outer grommet **134,136** formed of a resilient material, mountable on the bolt and cooperable with the inner grommet to engage the one of the spaced member therebetween when the inner grommet is mounted on the bolt, the threaded end portion of the bolt is inserted through the opening in the one of the spaced members and the outer grommet is mounted on a portion of the bolt extending through the opening; and

a nut **120,132** threadable on the threaded portion of the bolt, engageable with the outer grommet mounted on the bolt (Figures 3-4, column 2 lines 47-49).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 29,33 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardy, Jr. et al.

As to claim 29, Hardy, Jr. et al. fail to disclose a grommet wherein the body is formed of a urethane material.

The applicant is reminded that the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify a grommet as disclosed by Hardy, Jr. et al. wherein the body is formed of urethane as such material is a well-known, widely used and commercially available material within the art.

As to claim 33, Hardy, Jr. et al. fail to disclose a grommet wherein the body is formed of a urethane material.

The applicant is reminded that the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify a grommet as disclosed by Hardy, Jr. et al. wherein the body is formed of urethane as such material is a well-known, widely used and commercially available material within the art.

As to claim 37, Hardy, Jr. et al. fail to disclose a grommet wherein the body is formed of a urethane material.

The applicant is reminded that the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to

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modify a grommet as disclosed by Hardy, Jr. et al. wherein the body is formed of urethane as such material is a well-known, widely used and commercially available material within the art.

8. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardy, Jr. et al. in view of Alexander et al. (US 4,533,277).

As to claim 1, Hardy, Jr. et al. disclose a link for connecting a pair of spaced members **102,108** having a set of aligned holes, together, comprising:

a bolt **112,122** having a threaded end portion and a pair of upset portions **126,128** spaced inwardly relative to the end portions;

a pair of inner grommets **138,140** each formed of a resilient material, mountable on the bolt and having a portion functional to snap-fit on one of the upset portions of the bolt when the grommet is mounted on the bolt;

a pair of outer grommets **134,136** each formed of a resilient material, mountable on the bolt and cooperable with one of the inner grommets to engage one of the members therebetween when one the inner grommet is mounted on the bolt, an adjacent bolt portion is inserted through the hole of one of the members and the outer grommet is mounted on the end of a portion of the bolt extending through the hole; and

a nut **120,132** threadable on the threaded portion of the bolt, engageable with an outer grommet mounted on the bolt (Figures 3-4, column 2 lines 47-49).

Hardy et al. disclose a link comprising a bolt having one threaded end portion and one headed end portion, instead of two threaded end portions.

Alexander et al. teaches a link comprising a bolt **1** having two threaded end portions and a pair of nuts **2** threadable on the threaded portion of the bolt (Figure 7). Inasmuch as the references disclose bolts having one threaded end portion and one headed portion, and bolts having two threaded end portions as art recognized equivalents, it would have been obvious to one of ordinary skill in the exercise art to substitute one for the other. In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 536 (CCPA 1982).

As to claim 2, Hardy, Jr. et al. disclose a link wherein each of the inner grommets **138,140** including the portion thereof includes a bore for receiving the bolt therethrough and the bore is provided with an annular groove at the portion thereof which receives the upset portion **126,128** of the bolt **112,122** when the inner grommet is mounted on the bolt and snap-fit on the upset portion (Figure 3).

As to claim 3, Hardy, Jr. et al. disclose a link including a washer insert **A** molded in the inner grommet **138,140** and engageable with an upset portion **126,128** of the bolt **112,122** when the inner grommet is mounted on the bolt (Figure 3).

As to claim 4, Hardy, Jr. et al. disclose a link wherein the washer **A** is disposed in a main body portion of the inner grommet **138,140** adjacent the portion thereof (Figure 3).

As to claim 5, Hardy, Jr. et al. fail to disclose a link wherein the inner grommets are formed of a urethane material.

The applicant is reminded that the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re

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Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify a link as disclosed by Hardy, Jr. et al. wherein the grommets are formed of urethane as such material is a well-known, widely used and commercially available material within the art.

As to claim 6, Hardy, Jr. et al. disclose a link wherein the inner grommet **138,140** includes a hub portion receivable in the hole of the one member **102,108** (Figure 3).

As to claim 7, Hardy, Jr. et al. fail to disclose a link wherein the outer grommets are formed of a urethane material.

The applicant is reminded that the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify a link as disclosed by Hardy, Jr. et al. wherein the grommets are formed of urethane as such material is a well-known, widely used and commercially available material within the art.

As to claim 8, Hardy, Jr. et al. disclose a link wherein each of the outer grommets **134,136** includes a hub portion receivable in the one member **102,108** when the outer grommet is mounted on the bolt **112,122** (Figure 3).

As to claim 9, Hardy, Jr. et al. disclose a link wherein each of the outer grommets **134,136** includes a washer **A** insert molded therein (Figure 3).

As to claim 10, Hardy, Jr. et al. disclose a link wherein the washer **A** is disposed within a main body portion of the outer grommet **134,136**, positioned adjacent a nut **120,132** threaded onto an end portion of the bolt **112,122** when the link is fully assembled (Figure 3).

As to claim 11, Hardy, Jr. et al. disclose a link wherein each of the nuts **120,132** includes an annular flange **132** and wherein each of the outer grommets **134,136** includes a portion functional to snap-fit on the annular flange of one of the nuts (Figure 3).

As to claim 12, Hardy, Jr. et al. disclose a link wherein each of the outer grommets **134,136** including the portion thereof includes a bore for receiving the bolt **112,122** therethrough and the bore is provided with an annular groove at the portion thereof which receives the flange portion **132** of the nut **120,132** when the outer grommet is snap-fit on the nut (Figure 3).

As to claim 13, Hardy, Jr. et al. disclose a link wherein the outer grommet **134,136** includes a washer **A** insert molded therein (Figure 3).

As to claim 14, Hardy, Jr. et al. disclose a link wherein the washer **A** is disposed in a main body portion thereof adjacent the portion (Figure 3).

As to claim 15, Hardy, Jr. et al. disclose a link wherein the washer **A** is engageable by the nut **120,132** when the link is in the assembled condition (Figure 3).

As to claim 16, Hardy, Jr. et al. fail to disclose a link wherein the outer grommets are formed of a urethane material.

The applicant is reminded that the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify a link as disclosed by Hardy, Jr. et al. wherein the grommets are formed of urethane as such material is a well-known, widely used and commercially available material within the art.

As to claim 17, Hardy, Jr. et al. disclose a link wherein each of the outer grommets **134,136** includes a hub portion receivable in a hole of one of the members **102,108** when such link is connected to the spaced members (Figure 3).

As to claim 18, Hardy, Jr. et al. disclose a link wherein each of the outer grommets **134,136** includes a bore for receiving the bolt **112,122** therethrough, and the wall of the bore is provided with a protrusion **B** engageable with the bolt **122** extending through the bore, functional to permit the outer grommet to be temporarily frictionally held on an end of the bolt for shipping purposes (Figure 3).

As to claim 19, Hardy, Jr. et al. disclose a link wherein the protrusion **B** has an annular configuration, protruding radially, inwardly into the bore (Figure 3).

As to claim 20, Hardy, Jr. et al. disclose a link for connecting a pair of spaced members **102,108** having a set of aligned holes, together, comprising:

a bolt **112,122** having a threaded end portion and a pair of upset portions spaced inwardly relative to the end portions;

a nut **120,132** each having a flange, threadable on a threaded end of the shaft;

a pair of inner grommets **138,140** each formed of a resilient material and having a washer insert **A** molded therein, a bore through the body thereof and the washer, and a groove in the bore permitting the inner grommet to be snap-fit onto an upset portion of the bolt with the upset portion being received in the groove when the inner grommet is mounted on the bolt with the bolt extending through the bore; and

a pair of outer grommets **134,136** each formed of a resilient material and having a washer insert **A** mounted therein, a bore through the body thereof and the washer and a groove in the bore permitting the outer grommet to be snap-fit onto a flanged portion. **132** of one of the nuts (Figures 3-4, column 2 lines 47-49).

Hardy et al. disclose a link comprising a bolt having one threaded end portion and one headed end portion, instead of two threaded end portions.

Alexander et al. teaches a link comprising a bolt **1** having two threaded end portions and a pair of nuts **2** threadable on the threaded portion of the bolt (Figure 7). Inasmuch as the references disclose bolts having one threaded end portion and one headed portion, and bolts having two threaded end portions as art recognized equivalents, it would have been obvious to one of ordinary skill in the exercise art to substitute one for the other. In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 536 (CCPA 1982).

As to claim 21, Hardy, Jr. et al. disclose a link wherein the washer **A** of each of the grommets **134,136,138,140** is disposed adjacent the groove in the bore thereof (Figure 3).

As to claim 22, Hardy, Jr. et al. disclose a link wherein each of the grommets **134,136,138,140** includes a hub portion and the groove is disposed in the hub portion (Figure 3).

As to claim 23, Hardy, Jr. et al. disclose a link wherein the washer **A** of each of the grommets **134,136,138,140** is disposed adjacent the groove in the bore thereof (Figure 3).

As to claim 24, Hardy, Jr. et al. fail to disclose a link wherein the grommets are formed of a urethane material.

The applicant is reminded that the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify a link as disclosed by Hardy, Jr. et al. wherein the grommets are formed of urethane as such material is a well-known, widely used and commercially available material within the art.

As to claim 25, Hardy, Jr. et al. disclose a link wherein the grooves of the grommets **134,136,138,140** are configured to permit them to be snap-fit on either of the upset portions **126,128** of the bolt **112,122** and the flange portion **132** of the nut **120,132** (Figure 3).

As to claim 26, Hardy, Jr. et al. disclose a link wherein the upset portions **126,128** of the bolt **112,122** and the flange portion **132** of the nut **120,132** have substantially the same configurations, and the grooves of the grommets

134,136,138,140 are configured to permit them to be snap-fit on either of the upset portions and the flanges (Figure 3).

As to claim 27, Hardy, Jr. et al. disclose a link wherein the inner **138,140** and outer **134,136** grommets are substantially similarly configured whereby they may be used interchangeably as inner or outer grommets (Figure 3).

Conclusion

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The following patents show the state of the art with respect to link assemblies:

Rivard et al. (US 5,449,193), Parker et al. (US 5,807,010) and Rissberger (US 4,113,278) are cited for pertaining to assemblies comprising a bolt, a pair of inner grommets, a pair of outer grommets and a nut.

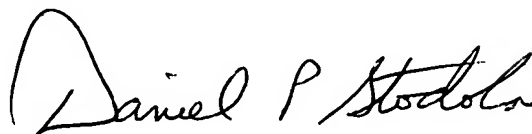
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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02/02/06



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